

Feb 14, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

No. 1:17-CR-02059-SMJ

Plaintiff,

PROTECTIVE ORDER

v.

MELISA ANN JOE (a/k/a Lisa Ann
Joe),

Defendant.

Before the Court, is the United States Attorney's Office's (USAO) Motion for Protective Order and Motion for Temporary Restraining Order, ECF No. 19. The Court held a hearing on the motion for protective order on February 14, 2018.

Assistant United States Attorney Meghan McCalla appeared on behalf of the Government. Defense counsel Jenifer Barnes appeared on behalf of Defendant Melisa Ann Joe, who was also present at the hearing.

At the hearing, the Government outlined the facts it alleged it could prove in support of the order. Defendant indicated that she understood the facts the Government alleged against her and stipulated that the Government could prove those facts by a preponderance of the evidence. Defendant further indicated that she understood her right to challenge the Government's evidence and present evidence

1 in her defense, but indicated that she did not wish to contest the protective order.
2 Defendant also indicated that she understood the potential consequences of the
3 order being entered against her, including the potential for up to five years'
4 imprisonment if she violated the terms of the order. At the close of the hearing, the
5 Court granted the Government's motion for a protective order. This Order
6 memorializes and supplements the Court's oral ruling.

7 Defendant Joe is currently in custody in Yakima County Jail, where she was
8 booked on an outstanding Yakima Police Department DUI warrant. A United States
9 Marshals Service detainer was placed on her while she served time for the
10 outstanding state case. On January 31, 2018, Magistrate Judge Dimke issued an
11 Order of Detention Pending Trial in connection with an indictment charging Misuse
12 of SSI Benefits in violation of 42 U.S.C. § 1383(a)(4), Theft of Government Funds
13 in violation of 18 U.S.C. § 641, and False Statements, in violation of 18 U.S.C.
14 § 1001.

15 Defendant Joe has expressed anger and hostility towards her daughter's
16 caretaker Delores Nunez. Three days after Defendant's initial interview with
17 investigators regarding her theft of government funds, Defendant sent a Facebook
18 message to Nunez stating, "I wish you'd hang yourself bitch!!!!" While Defendant
19 was serving time in jail between her arrest and arraignment on her federal charge,
20

1 Defendant made multiple threats against Nunez. In recorded phone calls to her
2 boyfriend, Rory Marshall, Defendant made the following statements:

- 3 a. Defendant warns Marshall that Nunez may try to manipulate him. Marshall
4 replies that he is the manipulator, and that if someone tried to manipulate
him, he would lure them somewhere then beat them up.
- 5 b. Defendant states that she is going to fight back against Nunez.
- 6 c. Defendant explicitly states, "I'll fuckin' murder the bitch before I let her
7 send me to federal prison."
- 8 d. Defendant later states the she will fight "that bitch" Nunez, and that Nunez
9 will not send Defendant to prison two times in a row over "some stupid old
10 shit like money." Defendant then states she cannot fight Nunez from inside
11 prison.
- e. Defendant threatens, "And I still got some plans for the old bitch too."
- f. Defendant tells Marshall, "I'm going to fight that old bitch. She can't send
me to prison twice."
- g. Defendant then threatens, "I'll go to prison for murdering her, but I'm not
going to let her send me."
- h. Defendant tells Marshall: "That bitch ain't taking me down this time."

12 The Court finds that the Government has met its burden under 18 U.S.C.
13 § 1514(b) to show by a preponderance of the evidence that there are reasonable
14 grounds to believe that harassment of an identified witness in a Federal case exists
15 and that such order is necessary to prevent an offense under 18 U.S.C. § 1512 and
16 1513.

17 Accordingly, **IT IS HEREBY ORDERED:**

- 18 1. USAO's Motion for Protective Order and Motion for Temporary
Restraining Order, ECF No. 19, is **GRANTED**.
- 19 2. The Court hereby issues a protective order prohibiting Defendant
20 Melisa Ann Joe (a/k/a Lisa Ann Joe) from threatening, harassing,

intimidating, deposing or otherwise contacting Delores Nunez, either directly or through third parties, except through counsel as is necessary and appropriate to Defendant's defense.

3. This order remains in effect for a period of three years from the date of its issuance.

IT IS SO ORDERED. The Clerk's Office is directed to enter this Order and provide copies to all counsel.

DATED this 14th day of February 2018.

Salvador Mendoza Jr.
SALVADOR MENDEZ, JR.
United States District Judge